

# DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled REFLECTOMETRY SYSTEM WITH COMPENSATION FOR SPECIMEN HOLDER TOPOGRAPHY AND WITH LOCK-REJECTION OF SYSTEM NOISE, the specification of which

(check one) ☐ is attached hereto.

☒ was filed on February 10, 1998 as Application Serial No. 09/021,419 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/465,089</u>	<u>5 June 1995</u>	<u>Patented</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>08/995,590</u>	<u>22 December 1997</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

Direct all telephone calls to Michael A. Kaufman at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-65430/DJB/MAK

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

John L. Lawless

Inventor's signature:

*John L. Lawless*

Date:

5/22/98

Residence:

1447 Crespi Drive, Pacifica, California 94044

Citizenship:

- United States of America

Post Office Address:

1447 Crespi Drive, Pacifica, California 94044

Full name of second  
inventor:

Albert E. Chu

Inventor's signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

Residence:

140 Roblar Avenue, Hillsborough, California 94010

Citizenship:

United States of America

Post Office Address:

140 Roblar Avenue, Hillsborough, California 94010

## DECLARATION FOR PATENT APPLICATION

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(check one) ☐ is attached hereto.  
☒ was filed on February 10, 1998 as Application Serial No. 09/021,419 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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<u>08/465,089</u> (Application Serial No.)	<u>5 June 1995</u> (Filing Date)	<u>Patented</u> (Status) (patented, pending, abandoned)
<u>08/995,590</u> (Application Serial No.)	<u>22 December 1997</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

John L. Lawless

Inventor's signature:

Date:

Residence:

1447 Crespi Drive, Pacifica, California 94044

Citizenship:

United States of America

Post Office Address:

1447 Crespi Drive, Pacifica, California 94044

Full name of second  
inventor:

Albert E. Chu

Inventor's signature:

Date:

June 29/98

Residence:

140 Roblar Avenue, Hillsborough, California 94010

Citizenship:

United States of America

Post Office Address:

140 Roblar Avenue, Hillsborough, California 94010

## ASSIGNMENT

(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John L. Lawless and Albert E. Chu, (hereinafter termed "Inventors"), residents of 1447 Crespi Drive, Pacific, California and 140 Roblar Avenue, Hillsborough, California, respectively, have invented certain new and useful improvements in REFLECTOMETRY SYSTEM WITH COMPENSATION FOR SPECIMEN HOLDER TOPOGRAPHY AND WITH LOCK-REJECTION OF SYSTEM NOISE and have executed an application for a United States patent disclosing and identifying the invention on even date herewith; and having Serial No. 09/021,419 and filing date of 10 February 1998; and

WHEREAS, EY LABORATORIES, INC., a corporation of the State of California, having a place of business at 107 N. Amphlett Blvd., San Mateo, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and

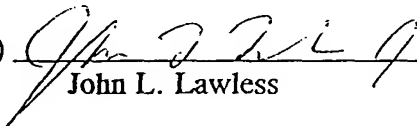
prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, his respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: 5/22/93

(1)   
John L. Lawless

Date: \_\_\_\_\_

(2) \_\_\_\_\_  
Albert E. Chu

Attorney Docket No.: A-65430/DJB/MAK

## ASSIGNMENT

(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John L. Lawless and Albert E. Chu, (hereinafter termed "Inventors"), residents of 1447 Crespi Drive, Pacific, California and 140 Roblar Avenue, Hillsborough, California, respectively, have invented certain new and useful improvements in REFLECTOMETRY SYSTEM WITH COMPENSATION FOR SPECIMEN HOLDER TOPOGRAPHY AND WITH LOCK-REFLECTION OF SYSTEM NOISE and have executed an application for a United States patent disclosing and identifying the invention on even date herewith; and having Serial No. 09/021,419 and filing date of 10 February 1998; and

WHEREAS, EY LABORATORIES, INC., a corporation of the State of California, having a place of business at 107 N. Amphlett Blvd., San Mateo, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and

prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, his respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: \_\_\_\_\_

Date: May 22/98

(1) \_\_\_\_\_

John L. Lawless

(2) \_\_\_\_\_

Albert E. Chu

Attorney Docket No.: A-65430/DJB/MAK



**POWER OF ATTORNEY BY ASSIGNEE**

(Not Accompanying Application)

To the Commissioner of Patents and Trademarks:

The undersigned assignee of the entire interest in application for letters patent entitled:  
REFLECTOMETRY SYSTEM WITH COMPENSATION FOR SPECIMEN HOLDER TOPOGRAPHY AND WITH LOCK-  
REJECTION OF SYSTEM NOISE  
and having the named inventors:

JOHN L. LAWLESS and ALBERT E. CHUSerial No. 09/021,419 filed on or about the 10th day of February, 1998,

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Thomas O. Herbert, Reg. No. 18,612; Donald N. MacIntosh, Reg. No. 20,316; Jerry G. Wright, Reg. No. 20,165; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Gary S. Williams, Reg. No. 31,066; Richard F. Trecartin, Reg. No. 31,801; C. Michael Zimmerman, Reg. No. 20,451; Walter H. Dreger, Reg. No. 24,190; Steven F. Caserza, Reg. No. 29,780; William S. Galliani, Reg. No. 33,885; Laura L. Kulhanjian, Reg. No. 33,257; Julian Caplan, Reg. No. 14,785; Michael A. Kaufman, Reg. No. 32,998;

provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to Michael A. Kaufman at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187

Assignee: EY LABORATORIES, INC.By: Albert E. Chu

(typed name)

Signature: Albert E. ChuTitle: PresidentAddress: 107 N. Amphlett Blvd.San Mateo, CA 94401Date: May 22/98File No. A-65430/DJB/MAK